

STATE OF NEW MEXICO

In the Magistrate Court  
San Miguel County  
State of New Mexico  
Plaintiff,

Case #15-123897

VS

M-48-FR-2015-145-

Name: John Paul Vigil  
DOB: 12/08/1963  
SSN: 525-11-4746  
Add: 512 Lugar De Los Caballeros, Las Vegas, New Mexico 87701  
Defendant,

(AMENDED)  
**CRIMINAL COMPLAINT**

**Crime(s): Possession of a Controlled Substance (felony), Possession of a Controlled Substance (misdemeanor – possession of a controlled substance NOT listed in 30-31-23(E) as felony possession)**

The undersigned, being duly sworn, upon oath, complains and says that on or about the 21<sup>st</sup> day of October (Date Amended), 2015, in San Miguel County, State of New Mexico, the above named defendant did commit the offense (s) of:

**COUNT I**

**Possession of a Controlled Substance (felony) (Code: 5614)** The above named defendant did intentionally have in the defendant's possession [*Hydrocodone*], a narcotic drug which is a Schedule I or II controlled substance], contrary to Section 30-31-23(E), NMSA 1978. (a 4<sup>th</sup> degree felony)

**COUNT II**

**Possession of a Controlled Substance (misdemeanor – possession of a controlled substance NOT listed in 30-31-23(E) as felony possession) (Code: 5801)** The above named defendant did intentionally have in the defendant's possession [*Lorazepam/Ativan*], which is a controlled substance or a controlled substance analog of a substance enumerated in Schedule I, II, III, or IV, contrary to Section 30-31-23(A) and (D), NMSA 1978. (a misdemeanor)

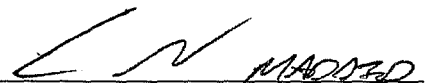
**COUNT III**

(code: 0399)

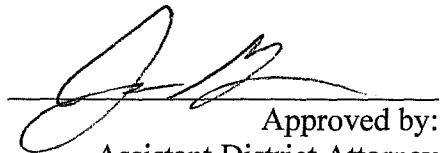
**Dangerous drugs; conditions for sale; prescription refilling; limitations** The above named defendant did have in his possession, a dangerous drug, when it is unlawful for a person to sell, dispose of or possess any dangerous drugs, except: (1) manufacturers, wholesalers or distributors, their agents or employees licensed by the board to ship dangerous drugs into the state; or (2) distributors, wholesalers, hospitals, nursing homes, clinics or pharmacies and other authorized

retailers of dangerous drugs in this state licensed by the board, and appropriate records of dangerous drugs receipt and disposition are kept. These records shall be open to inspection by any enforcement officer of this state. Contrary to Section 26-1-16, NMSA 1978. (a 4<sup>th</sup> degree felony)

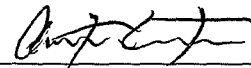
I swear or affirm under penalty of perjury that the facts set forth above are true to the best of my information and belief. I understand that it is a criminal offense subject to the penalty of imprisonment to make a false statement in a criminal complaint.



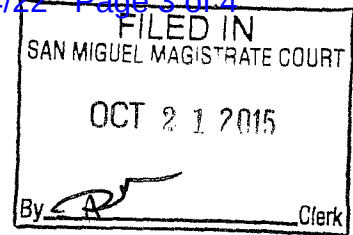
Undersheriff Anthony L. Madrid  
San Miguel County Sheriff's Office  
Complainant



Approved by:  
Assistant District Attorney  
James Grayson



Judge Christian Montano



## STATE OF NEW MEXICO

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STATEMENT OF PROBABLE CAUSE

The above defendant has been arrested without a warrant for the following reasons:

On June 5th, 2015 at approximately 10:00 a.m., Deputy Sean Armijo was dispatched to 3695 Hot Springs Blvd. (New Mexico Behavioral Health Institute) in reference to possible larceny of narcotics. Upon my arrival on scene Deputy Armijo made contact with Security Supervisor, Joe Chavez, who advised him Frances Tweed had received an anonymous letter stating an NMBHI employee was stealing medication and money from patients currently being treated at NMBHI. Ms. Tweed is the executive nurse administrator for NMBHI. Ms. Tweed provided Deputy Armijo with a copy of the anonymous letter. The letter alleged that Psych Tech Supervisor, John Vigil, had money and prescription narcotics belonging to various patients at NMBHI, locked inside of his desk.

On June 5th, 2015 Myself and Deputy Sean Armijo executed a search warrant on J. Vigil's desk and surrounding work area. During the course of the warrant, Ativan, a scheduled narcotic was located and seized, along with a substantial amount of money possibly belonging to NMBHI patients. Other medication belonging to NMBHI patients that are not scheduled narcotics, were also located during the course of the warrant. Ativan, another form of Lorazepam is listed as a Schedule VI in the controlled substances act. **During the search I also located (2) Pill container (Risperidone) 1-MG, (1) Pill container (Risperidone) 3-MG, (1) Pill container (Allopurinol) 300-MG, (1) Pill container (Monotelukast SOD) 10-MG, and (1) Pill container with unknown prescription medication. The above items were all located by myself, photographed, and documented in the Return and Inventory section of the approved Search Warrant.**

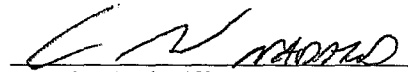
On June 19th, 2015 at approximately 11:00 a.m., I was advised by Ms. Frances Tweed that a secondary anonymous letter had come in with more allegations against J. Vigil. The anonymous letter stated J. Vigil had two other lockers in different areas of NMBHI, and J. Vigil had narcotics in those lockers. Myself and Ms. Tweed proceeded to El Paso Cottage where J. Vigil's locker was located. Mr. Vigil's locker was blue in color and labeled with his name on it.

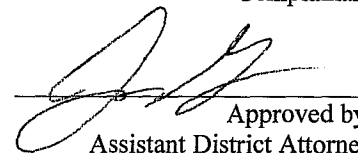
I was later advised by Ms. Frances Tweed; security had cut the lock to his locker and had conducted a search on it. Ms. Tweed advised me that approximately eleven (9) Hydrocodone pills were located in a "Centrum" vitamin bottle and two (2) more Hydrocodone were located inside of J. Vigil's locker. Ms. Tweed stated she had researched the pill's descriptors and found it to be Hydrocodone. On June 26th, 2015 myself and Investigator/Deputy Antoine Whitfield executed a search warrant signed by 4th Judicial District Judge Gerald Baca on J. Vigil's work locker. During the course of the search, eleven (11) Hydrocodone pills were located inside of a Centrum Multi-Vitamin container. The pills were seized for evidence purposes. Upon information and belief, Hydrocodone is listed as a Schedule II narcotic in controlled substances act.

Upon information from NMBHI Director Troy Jones, Mr. Vigil has authority to assist in the distribution of medication to patients; however he does not have authority to possess the drugs under any circumstances.

On October 20<sup>th</sup>, 2015 I was contacted by ADA James Grayson of the 4<sup>th</sup> Judicial District Attorney's Office, who advised me to file an amended Probable Cause Statement and Amended Criminal Compliant. **The amended portion of the statement are above in bold.**

I do solemnly declare and affirm under the penalty of perjury that the matter and facts set forth in this statement are true to the best of my knowledge, information and belief

  
Undersheriff Anthony L. Madrid  
San Miguel County Sheriff's Office  
Complainant

  
Approved by:  
Assistant District Attorney  
James Grayson

  
Judge Christian Montano